

REMARKS

Claims 7-15, 32, 34-37 and 41 were examined. Claims 7 and 32 have been amended. No new matter has been introduced.

Rejections under 35 USC §103

Claims 7-12 and 32 stand rejected under §103(a) as obvious over Simons et al (US 5971941) in view of Lum et al (US 2002/0042594).

The prior art

As the Examiner pointed out, Simons did not disclose a processor used for controlling the penetrating member driver to move a penetrating member at velocities which conform with a selectable velocity profile.

Lum discloses “an impedance sensor 104 (which includes electrical circuitry that senses impedance) electrically connected to the conductive ends senses the electrical impedance. ... The driver 106 is controlled by a processor 108, which stops the driver when the impedance sensor 104 senses an impedance change indicating the desired penetration has been achieved” ([0023]). Thus, Lum discloses a depth sensor that measures the **depth** of penetration by a penetrating member based on impedance information and a processor that controls the penetrating member **based on the measured depth of penetration** (emphasis added). The Examiner stated in “Response to Amendment” that controlling how current is supplied to the driver inherently controls the velocity profile of the penetrating member. There is no teaching in Lum, however, of 1) a penetrating member sensor configured to monitor both **position and velocity** of the a penetrating member and 2) a processor used to control the penetrating member driver to move a penetrating member at **velocities** which conform with a selectable velocity vs. position profile **based on the monitored position and velocity** of the penetrating member from the penetrating member sensor (emphasis added).

The prior art distinguished

Independent claims 7 and 32 have been amended to include the language of:
a penetrating member sensor configured to monitor position and velocity of at least one of said penetrating members;

a processor for controlling said penetrating member driver to move the at least one of said penetrating members at velocities which conform with a selectable velocity vs. position profile based on the monitored position and velocity of the at least one of said penetrating members from the penetrating member sensor.

As discussed above, neither Simons nor Lum discloses 1) a penetrating member sensor configured to monitor both position and velocity of the a penetrating member and 2) a processor used to control the penetrating member driver to move a penetrating member at velocities which conform with a selectable velocity vs. position profile based on the monitored position and velocity of the penetrating member from the penetrating member sensor. Thus, Simons or Lum alone or in combination cannot render independent claims 7 and 32 obvious. Since claims 8-12 depend on claim 7, they are also allowable at least for depending from an allowable base claim. The Applicant respectfully requests all rejections with respect to these claims be withdrawn.

Allowable subject matter


Applicant thanks the examiner for the indication that claims 34-37 are allowed.

CONCLUSION

Applicant believes that the application is now in condition for allowance and respectfully requests the same. The Commissioner is authorized to charge any additional fees or credit any fees in connection with this paper to Deposit Account 50-4634 (PEL 2804).

Respectfully submitted,
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